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1	EDMUND G. BROWN JR., Attorney General				
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3	Deputy Attorney General California Department of Justice				
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5	110 West "A" Street, Suite 1100 San Diego, CA 92101				
6	P.O. Box 85266				
7	San Diego, CA 92186-5266 Telephone: (619) 645-2091 Facsimile: (619) 645-2061				
8	Attorneys for Complainant				
9					
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS				
11					
12	STATE OF CALIFORNIA				
13	In the Matter of the Petition to Revoke Probation Case No. 2003-4				
14	Against: PETITION TO REVOKE				
15	ANN MARGARET COPPEN, R.N. 2164 Canyon Drive, Unit M PROBATION				
16	Costa Mesa, CA 92627				
17	Registered Nurse License No. 643249				
18	Respondent.				
19					
20	Complainant alleges:				
21	<u>PARTIES</u>				
22	1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke				
23	Probation solely in her official capacity as the Executive Officer of the Board of Registered				
24	Nursing (Board).				
25	2. On or about August 19, 2004, the Board issued Registered Nurse License				
26	Number 643249 to Ann Margaret Coppen, R.N. (Respondent). The license was in effect at all				
27	times relevant to the charges brought herein and will expire on June 30, 2008, unless renewed.				
28	Initially, Respondent's application for a registered nurse license had been denied by the Board.				

Respondent requested a hearing on the denial of license. A Statement of Issues was filed, entitled "In the Matter of the Statement of Issues Against Ann Margaret Coppen," Case No. 2003-4. Pursuant to a stipulated settlement, the Board issued a decision, effective July 18, 2003, in which Respondent was issued a license, but the license immediately revoked: "the revocation was stayed and Respondent's license was placed on probation for a period of three (3) years on certain terms and conditions. A copy of that decision is attached as Exhibit "A," and is incorporated by reference.

3. On or about April 25, 2007, the Board requested that the Office of Attorney General prepare a Petition to Revoke Probation against Respondent.

JURISDICTION

- 4. This Petition to Revoke Probation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 5 Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
 - 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

///

^{1.} The Board's Decision and Order was incorrectly numbered 2003-32. The correct case number, as stated in the Statement of Issues and Stipulated Settlement and Disciplinary Order is 2003-4.

1	7. Section 125.3 of the Code provides, in pertinent part, that the Board may				
2	request the administrative law judge to direct a licentiate found to have committed a violation or				
3	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation				
4	and enforcement of the case.				
5	FIRST CAUSE TO REVOKE PROBATION				
6	(Comply With Probation Program)				
7	8. At all times after the effective date of Respondent's probation, Condition 2				
8	stated:				
9	Comply with Probation Program. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and				
10	cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Probation Program. Respondent shall inform				
11	the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including				
12 13	during any period of suspension.				
13	9. Respondent's probation is subject to revocation because she failed to				
15	comply with Probation Condition 2, referenced above, in that she failed to work in a Board-				
16	approved registered nurse position for six (6) consecutive months for a minimum of 24 hours per				
17	week (Probation Condition 6).				
18	SECOND CAUSE TO REVOKE PROBATION				
19	(Function as a Registered Nurse)				
20	10. At all times after the effective date of Respondent's probation, Condition 6				
21	stated:				
22	Function as a Registered Nurse. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a				
23	minimum of 24 hours per week for 6 consecutive months or as determined by the Board.				
24	For purposes of compliance with the section, "engage in the practice of				
25	registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.				
26	The Board may require that advanced practice nurses engage in advanced				
27	practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. If Respondent has not complied with this condition				
28	during the probationary term, and Respondent has presented sufficient				

documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition.

11. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6, referenced above, in that while on probation she failed to work in a Board-approved registered nurse position for six (6) consecutive months for a minimum of 24 hours per week.

THIRD CAUSE TO REVOKE PROBATION

(Abstain from Use of Psychotropic (Mood-Altering) Drugs)

12. At all times after the effective date of Respondent's probation, Condition 14 stated:

Abstain From Use of Psychotropic (Mood-Altering) Drugs.

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so and are part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

13. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 14, referenced above, in that on or about September 6, 2006, she relapsed and tested positive for alcohol.

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<u>PRAYER</u> WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2003-4 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 643249 issued to Ann Margaret Coppen, R.N.; 2. Revoking or suspending Registered Nurse License No. 643249, issued to Ann Margaret Coppen, R.N.; and Taking such other and further action as deemed necessary and proper. DATED: 9/10/07 Executive Officer Board of Registered Nursing State of California Complainant SD2007801221 80148873.wpd

Exhibit A

Decision and Order
Board of Registered Nursing Case No. 2003-4

BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against: ANN MARGARET COPPEN 2164 Canyon Drive, Apt. L Costa Mesa, California 92667	Case No. 2003-32 OAH No. L-2002070397				
Respondent.					
DECISION AND ORDER					
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by					
the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.					
This Decision shall become effective	on July 18, 2003				

Landra L. Enickson

It is so ORDERED June 18, 2003

FOR THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS

1 2	of the State of California			
3	3 California Department of Justice			
4	110 West "A" Street, Suite 1100 San Diego, CA 92101			
5	1 x . c . b c . c . c . c . c . c . c . c .			
6	San Diego, CA 92186-5266 Telephone: (619) 645-2091 Facsimile: (619) 645-2061			
7	7			
8	8	Attorneys for Complainant		
9	points of registered monthling			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11	11			
12	In the Matter of the Statement of Issues Against: Case No. 2	003-4 L-2002070397		
13	ANN MARGARET COPPEN 2164 Canyon Drive, Apt. L			
14	Costa Mesa, California 92667	TED SETTLEMENT AND		
15	DISCIPLI	NARY ORDER		
16	Respondent.			
17	In the interest of a prompt and speedy settlement of	In the interest of a prompt and speedy settlement of this matter, consistent with		
18		•		
19	I)	_		
20	1			
21				
22	PARTIES			
23	1. Ruth Ann Terry, M.P.H., R.N. (Complainan	t) is the Executive Officer of		
24	the Board of Registered Nursing. She brought this action solely in	her official capacity and is		
25	represented in this matter by Bill Lockyer, Attorney General of the State of California, by			
26	Kathleen B.Y. Lam, Deputy Attorney General.			
27	2. Ann Margaret Coppen (Respondent) is represented by counsel Melanie			
28	Balestra Goodman, Esq., in this matter. Respondent has fully and completely discussed with her			
	II.			

counsel the effects of this Stipulation.

3. On or about March 28, 2001, the Board of Registered Nursing received an Application for Licensure by Examination from Coppen (Respondent). On August 20, 2001, Respondent's application was denied by the Board.

JURISDICTION

4. Statement of Issues No. 2003-4 was filed before the Board of Registered Nursing (Board), California Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on July 10, 2002. A copy of Statement of Issues No. 2003-4 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has discussed the charges and allegations in Statement of Issues No. 2003-4 with her attorney, and she understands the charges and allegations as alleged. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2003-4.
 - 9. Respondent agrees that grounds exist to deny her Application for Licensure

by Examination. She agrees to be bound by the Board of Registered Nursing's (Board's) imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

- Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

THE APPLICATION OF Respondent Ann Marie Coppen for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed and Respondent placed on probation for a period of three (3) years on the following terms and conditions:

SEVERABILITY CLAUSE - Each term and condition of probation contained herein in a separate and distinct term and condition. If any term and condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each term and condition of this

Order shall separately be valid and enforceable to the fullest extend permitted by law.

- 1. Obey All Laws. Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall submit a recent 2" x 2" photograph of himself or herself within 45 days of the effective date of the final decision.
- 2.. Comply with Probation Program. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.
- 3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
- 4. Residency or Practice Outside of State. Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
- 5. Submit Written Reports. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Provide Decision - Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. Function as a Registered Nurse. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition.

7. Employment Approval and Reporting Requirements. Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

8. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in

good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.
- (c) Minimum The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.
- (d) Home Health Care If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.
- 9. Employment Limitations. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or for an inhouse nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home

visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course(s). Respondent shall comply with the appropriate requirement, as specified in the decision:

Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. Violation of Probation. If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, Respondent's license will be

fully restored.

12. Physical Examination. Within 45 days of the effective date of this decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Probation Program and respondent by telephone. Respondent shall immediately cease practice and shall not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Probation Monitor has notified respondent that a medical determination permits respondent to resume practice.

13. Participate In Treatment/Rehabilitation Program For Chemical

Dependence. Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Probation Program recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and

directed by the Board. If a nurse support group is not available, an additional 12 step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

14. Abstain From Use of Psychotropic (Mood-Altering) Drugs. Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so and are part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

15. Submit to Tests and Samples. Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any

confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation.

effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his/her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Probation Program and respondent by telephone. Respondent shall immediately cease practice and may not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Probation Monitor has notified respondent that a mental health determination permits respondent to resume practice.

17. Therapy or Counseling Program. Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases him/her from this requirement and only upon the recommendation of the counselor. Written progress reports

ACCEPTANCE 1 I have carefully read the Stipulated Settlement and Disciplinary Order set forth 2 above. I have discussed the terms and conditions set forth in the Stipulation with my attorney, 3 Melanie Balestra Goodman, Esq. I understand the stipulation and the effect it will have on my 4 Registered Nurse License, once I successfully complete the licensure examination. I enter into 5 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and 6 agree to be bound by the Decision and Order of the Board of Registered Nursing. 7 8 9 ANN MARGARET CORPI 0 Respondent 1 I have read and fully discussed with Respondent the terms and conditions and .2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its 3 4 form and contents. . 5 .6 .7 Attorney for Respondent .8 /// .9 ///20 /// 11 /// 22 /// 23 /// 24 /// 25 /// 26

ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 2/27/03 BILL LOCKYER, Attorney General of the State of California Deputy Attorney General Attorneys for Complainant

Exhibit A
Statement of Issues No. 2003-4

- 1				
1	BILL LOCKYER, Attorney General			
2	of the State of California KATHLEEN B.Y. LAM, State Bar No. 95379			
3	Deputy Attorney General California Department of Justice			
4	110 West "A" Street, Suite 1100 San Diego, CA 92101			
5	P.O. Box 85266			
6	San Diego, CA 92186-5266 Telephone: (619) 645-2091			
7	Facsimile: (619) 645-2061			
8	Attorneys for Complainant			
9	BEFORE THE			
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS			
11	STATE OF CAL	IFORNIA		
12	In the Matter of the Statement of Issues Against:	Case No.2003-4		
13	ANN MARGARET COPPEN			
14	2164 Canyon Drive, Apt. L Costa Mesa, California 92667	STATEMENT OF ISSUES		
15	Respondent.			
16				
17	Ruth Ann Terry, M.P.H., R.N. (Com	plainant) alleges:		
18	PARTIF	<u> </u>		
19	1. Complainant brings this State	ment of Issues solely in her official capacity		
20	as the Executive Officer of the Board of Registered	Nursing, Department of Consumer Affairs.		
21	2. On or about March 28, 2001, the Board of Registered Nursing received a			
22	Application for Licensure by Examination from Ann Margaret Coppen (Respondent). On			
23	August 20, 2001, Respondent's application was denied by the Board.			
24	STATUTORY PROVISIONS			
25	3. Section 2736 of the Business	and Professions Code (Code) provides, in		
26	pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds			
27	that the applicant has committed any act constituting grounds for denial of licensure under			
28	section 480 of that Code.			

4. Section 480 of the Code states:

- (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- (1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
- (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or
- (3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct....
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . .

6. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license. . . .
- 7. Section 4060 states, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian.

FIRST CAUSE FOR DENIAL 1 (Criminal Convictions) 2 8. 3 4 5 6 7 8 9 functions, or duties of a licensed registered nurse. 10 11 12 9. 13 14 15

Respondent's application is subject to denial under section 480(a)(1), and

2761(f) of the Code, in that on January 22, 1999, in the Superior Court, County of Orange, Harbor Justice Center, Respondent was convicted by the Court on her plea of guilty of violations of Vehicle Code section 23152(A) (driving under the influence of alcohol/drugs) and section 23152(B) (driving under the influence of alcohol .08 or more) in the matter entitled People vs. Ann Margaret Coppen, Case No. NB98HF1257. At the time of her plea of guilty, Respondent also admitted to two prior convictions. Such conduct is substantially related to the qualifications,

SECOND CAUSE FOR DENIAL

(Dishonesty, Fraud, or Deceit)

- Respondent's application is subject to denial under section 480(a)(2) of the Code, in that Respondent, by her own admission, committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit herself as follows:
- In or about October 1992, Respondent took groceries from a Ralph's Grocery Store without paying for them.
- In or about March 1993, Respondent took groceries from a Von's Market b. without paying for them.

THIRD CAUSE FOR DENIAL

(Possess Controlled Substances)

Respondent's application is subject to denial under section 2761(a) of the 10. Code on the grounds of unprofessional conduct as defined by section 2762(a) of that Code, in that by her own admission, in or about April 1982, and April 1983, Respondent possessed controlled substances in violation of section 4060 of that Code.

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FOURTH CAUSE FOR DENIAL

(Use Alcohol/Controlled Substances to Such an Extent or in a

Manner Dangerous or Injurious to Herself or Others)

Respondent's application is subject to denial under section 2761(a) of the 11. Code on the grounds of unprofessional conduct as defined in section 2762(b) of that Code, in that, by her own admission, between approximately 1982 through approximately 1999, Respondent used alcohol and controlled substances to an extent or in a manner dangerous or injurious to herself or others.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Denying the Application for Licensure by Examination of Ann Margaret 1. Coppen for a registered nurse license;
 - Taking such other and further action as deemed necessary and proper. 2.

DATED: 12 02

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Rev. 6/19/02

Executive Officer Board of Registered Nursing

Department of Consumer Affairs State of California

Complainant